

## **EXHIBIT 2**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

B.P.J., by her next friend and mother, HEATHER  
JACKSON,

*Plaintiff,*

v.

Civil Action No. 2:21-cv-00316  
Hon. Joseph R. Goodwin, District Judge

WEST VIRGINIA STATE BOARD OF  
EDUCATION, HARRISON COUNTY BOARD  
OF EDUCATION, WEST VIRGINIA  
SECONDARY SCHOOL ACTIVITIES  
COMMISSION, W. CLAYTON BURCH in his  
official capacity as State Superintendent,  
DORA STUTLER in her official capacity as  
Harrison County Superintendent, PATRICK  
MORRISEY in his official capacity as Attorney  
General, and THE STATE OF WEST VIRGINIA,

*Defendants.*

**DEFENDANTS HARRISON COUNTY BOARD OF EDUCATION  
AND DORA STUTLER'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S FIRST  
SET OF REQUESTS FOR PRODUCTION TO DEFENDANTS  
HARRISON COUNTY BOARD OF EDUCATION AND DORA STUTLER**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendants Harrison County Board of Education and Dora Stutler (collectively, the “County Board Defendants”), by counsel, hereby respond and object to “Plaintiff’s First Set of Request for Production to Defendants Harrison County Board of Education and Dora Stutler” as follows:

**GENERAL OBJECTION:** The County Board Defendants object to the definitions of “County Board” and “County Superintendent” as set forth in Plaintiff’s request for production of documents. Those definitions are overly broad and outside the permissible scope of discovery under the Federal Rules of Civil Procedure as the definitions improperly broaden the identity of parties in this case. For instance, the definitions of the “County Board” and the “County

1. National Federation of State High School Associations' Rules Book, Track and Field and Cross Country (2020), Bates numbered HCBOE 00001 to HCBOE 00051, attached as "Exhibit 1."
2. National Federation of State High School Association, "Track and Field & Cross Country Rules Changes," (Feb. 10, 2021), Bates numbered HCBOE 00052 to HCBOE 00053, attached as "Exhibit 2."
3. West Virginia Secondary School Activities Commission Handbook (2021-2022). This source is available online at <https://www.wvssac.org/rules-and-regulations>.
4. "2020 – 2021 Track Coaches Packet." This document is already in the record, at Doc. No. 47-1.
5. West Virginia Secondary School Activities Commission's "Athletic Participation/Parental Consent/Physician's Certificate Form" and accompanying documents. These documents are already in the record, at Doc. No. 47-2.

With regard to the various education records related to B.P.J. that were identified in the County Board Defendants' Rule 26(a) initial disclosures, the County Board Defendants have provided a proposed "FERPA Consent to Release Student Information" form to Plaintiff's counsel. After the County Board Defendants receive a signed version of that FERPA Consent form, the County Board Defendants will supplement their response to this request by providing the various education records that were identified in the County Board Defendants' Rule 26(a) initial disclosures.

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*Defendants.*

**CERTIFICATE OF SERVICE**

I hereby certify that on 22<sup>nd</sup> day of November, 2021, I electronically filed the foregoing Certificate of Service of “Defendants Harrison County Board Of Education and Dora Stutler’s Responses and Objections to Plaintiff’s First Set of Requests for Production to Defendants Harrison County Board of Education and Dora Stutler” with the Clerk of the Court using the CM/ECF system, and a true and exact copy of such filing was sent by United States Mail, first class, postage prepaid, addressed to the following counsel of record:

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